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14
15 UNITED STATES DISTRICT COURT
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17 NORTHERN DISTRICT OF CALIFORNIA
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19 OAKLAND DIVISION

20 IN RE APPLE IPHONE ANTITRUST
21 LITIGATION

22
23 DONALD R. CAMERON, *et al.*,
24 Plaintiffs,
v.
APPLE INC.,
Defendant

CASE NO. 4:11-cv-06714-YGR

CASE NO. 4:19-cv-03074-YGR

**DECLARATION OF PHILLIP W.
SCHILLER IN SUPPORT OF APPLE'S
OPPOSITION TO EPIC'S MOTION TO
COMPEL PRODUCTION OF DOCUMENTS**

Hon. Yvonne Gonzalez Rogers
Hon. Thomas S. Hixson

1 I, Phillip W. Schiller, declare as follows:

2 1. I make this declaration in support of Apple's Opposition to Epic's Motion to Compel
3 Production of Documents. I have personal knowledge of the matters stated herein, and if called upon
4 to do so, I could and would competently testify hereto.

5 2. I am currently an Apple Fellow, and before assuming this position, I served as Apple's
6 Senior Vice President, Worldwide Marketing for approximately 20 years. I was closely involved in
7 Apple's creation and development of the Small Business Program announced in November 2020.

8 3. Throughout the process of considering, designing, decisioning, and rolling-out the
9 Small Business Program, myself and other Apple executives and employees, including Tim Cook, Luca
10 Maestri, Eddy Cue, and Carson Oliver, regularly sought legal advice from attorneys in Apple's Office
11 of General Counsel and corporate legal department. These attorneys included Apple General Counsel
12 Kate Adams, Apple Associate General Counsel Douglas Vetter, and Apple in-house attorneys Sean
13 Cameron and Jason Cody. These attorneys advised the Apple business people regarding the potential
14 legal implications and effects of this new Apple program, and also provided legal advice regarding the
15 strategic decision-making, planning, and marketing related to this new Apple program.

16 4. Some of the legal risks that Apple attorneys advised me and other Apple business people
17 on in connection with the Small Business Program included the following: competition (e.g.,
18 determining eligibility for the program and the potential legal implications of treating some developers
19 differently than others), data privacy (e.g., opt in vs. automatic enrollment, as well as providing notice
20 to and obtaining consent of developers), false advertising (e.g., Apple's communications with
21 developers about the program), fraud (e.g., how some participants may try to obscure their finances or
22 corporate structures to become or remain eligible for the program), and money laundering (e.g., the
23 commission could not be zero because that could result in opportunities for developers to engage in
24 money laundering). The regular advice and consistent support of these members of the Apple Legal
25 team was critical to me and other executives in considering and implementing this program in a way
26 that would be effective and also limit unnecessary legal risk.

27 5. The document produced with Bates-number APL-EG_09690033 is an email chain dated
28 September 12, 2020. Each email in the chain is labeled "Privileged and Confidential" and/or "Attorney

1 Work Product.” The bottom email is from Luca Maestri to me and Kate Adams, copying Tim Cook
2 and Eddy Cue. The email chain between myself and Mr. Maestri describes various legal risks related
3 to the Small Business Program, including some of the concerns identified in Paragraph 4, above. Ms.
4 Adams was included on this email chain so that she could provide legal advice regarding these risks,
5 and I discussed the substance of this email chain with Ms. Adams, and received legal advice from her
6 on these topics, during contemporaneous meetings and telephone conversations regarding the Small
7 Business Program.

8 6. The document produced with Bates-number APL-EG_09689923 is an email chain
9 spanning August 18, 2020 to September 9, 2020. Each email in the chain is labeled “Privileged and
10 Confidential” and/or “Attorney Work Product.” The bottom email is from me to Carson Oliver and
11 Douglas Vetter, copying Eddy Cue and Matt Fischer, and Eric Gray is later copied. The email chain
12 between myself and Mr. Oliver describes various legal risks related to the Small Business Program,
13 including some of the concerns identified in Paragraph 4, above. I sent this email to Mr. Vetter so that
14 he could provide legal advice regarding these risks, and I discussed the substance of this email chain
15 with Mr. Vetter, and received legal advice from him on these topics, during contemporaneous meetings
16 and telephone conversations regarding the Small Business Program.

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18 I declare under penalty of perjury under the laws of the United States and the State of California
19 that the foregoing is true and correct, and that I executed this declaration on the April 26, 2021 in
20 Cupertino, California.



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Phillip W. Schiller